

# EXHIBIT A

**Erin Eckhoff**

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**From:** Erin Eckhoff  
**Sent:** Thursday, July 27, 2023 1:16 PM  
**To:** Stephen Ricks; Michael J. Bailey  
**Cc:** Asra Syed  
**Subject:** RE: A matter of plaintiffs Mr. Richter's assertions and clarification regarding meeting 26F of July 12Re: Ricks v. DMA et al - Joint 26 (f) Report  
**Attachments:** Draft Joint 26(f) Report (7.27.23).docx

Mr. Ricks,

We are in receipt of your email below sent this morning. The pressing matter at this time is that we need your input and sign off on the draft Joint Rule 26(f) Report so that we can ensure we file it today pursuant to the Federal Rules of Civil Procedure.

Based on the 26(f) conference discussion, the Defendants understand that all parties are in alignment. These are numbers 3, 6, 7(a), 7(b), 9(a), 9(b), 10(a), 10(b), 10(c), 11, 12, 13, and 14. The information in the draft Report attached reflects Defendants' understanding of the alignment of the parties. If you disagree that the parties are aligned on these matters, you must identify the disagreement and the basis of that disagreement.

Likewise, based on the 26(f) conference discussion, the Defendants understand that the parties are not in alignment with regard to numbers 1(a), 1(b), 2, 4, 5 and 8. Defendants' position on these matters is reflected in the attached draft Report. You need to provide your position on these matters as well. To facilitate your response, here is a list of those matters we need your input on:

**1(a) – What are the causes of action, defenses, and counterclaims in this case?**

**1(b) – What are the elements of the cause(s) of action, defenses, and counterclaims pled?**

**2 – Are there any outstanding jurisdictional issues?**

**4 – Are there any agreements or stipulations that can be made about any facts in this case or any element in the cause(s) of action?**

**5 – Are there any legal issues in this case that can be narrowed by agreement or by motion?**

**8 – What are the subjects on which discovery may be needed?**

Please provide your input on these matters where the parties are not aligned no later than 4 pm today, along with your agreement that we can affix your electronic signature so long as the Joint Rule 26(f) Report reflects the input you provide, so that we can meet the deadline for submitting this report to the Court. If we do not receive your input by that time, we will revise the Report to incorporate this email exchange before filing.

Your email contains additional information that is not responsive to the request for your input on the Joint Rule 26(f) Report due to the Court today; Defendants will address that information at a later date.

Best,  
Erin

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**From:** Stephen Ricks <bigdaddy50000@gmail.com>

**Sent:** Thursday, July 27, 2023 10:57 AM

**To:** Michael J. Bailey <Bailey@hooverslovacek.com>

**Cc:** Erin Eckhoff <erin@bcccaustin.com>; Asra Syed <asra@bcccaustin.com>

**Subject:** A matter of plaintiffs Mr. Richter's assertions and clarification regarding meeting 26F of July 12Re: Ricks v. DMA et al - Joint 26 (f) Report

Good morning Mr. Bailey and Miss Eckhoff this is Mr. Ricks the plaintive this is my response to our July 12, 2020 326F meeting to the following are my assertions as well as some clarification regarding issues that we discussed during the 26F meeting needless to say these are not an order my apologies to begin with the issue of orientation The orientation mobility instructor that you reference Mr. Bailey that was recommended by DME was not vetted and it's my understanding when I spoke with one of your representatives about selecting my own mobility instructor who was license insured and very criminal background checks and such that your company refuse to pay their fee to to get me orientation and mobility also

I record show that my apartment has not been fully made accessible in fact the work is still on going I appreciate that however several mistakes were made with some installations that required workers to have to repeatedly come back and make repairs or installations so the apartment you reference my apartment is not fully accessible

Moreover I unfortunately had to report this to Hud to get this work expedient it since I've been living in this apartment for nearly a year and work to make the apartment fully acceptable has been done at a snails pace also you mention that Administrative processes had not been exhausted several times I have tried to reach out to DMV to get my apartment made fully accessible but they lack clarity in their own policies and procedures and I have even discovered that they do not follow their own policies and procedures in order for me to exalt any administrative remedies moreover the wheelchair ramp

Did you reference it's not for my excess in my apartment but to be able to access public transportation from the curb unfortunately where I was relocated on east side of the apartment complex there are no wheelchair ramps at the curb in order for people like myself and others who have mobility impairment to be able to easily access public transportation without tripping and falling and posing safety issues this still has not been addressed

Mr. Bailey also it has restricted my access to public transportation since the only wheelchair ramp is located at the main building on the south side of the complex far away from where my apartment is located needless to say I still have concerns regarding discovery and who the custodian of records is for your company DMA an OPC Miss Eckhoff

You seem to be very evasive about answering the question about who the custodian of records is for DME company and OPC company also questions about the retention of records for discovery went unanswered during our July 12 26 Herb meeting I'm beginning to wonder if these records have been destroyed not been preserved which is supposed to be done during the discovery.

Also who have access to the records that I intend to pursue during discovery these questions when an answer I am sorry but this is the impression that you Mr. Bailey and Miss Eckhoff left me with I think it's very important to address the issue of the custodian of records record retention policies and procedures and where these records are located without discovery is unreasonable to think that anyone including you Mr. Bailey

And Miss Eckhoff can properly defending oneself without these materials during discovery you are asking me to defend myself in figuratively speaking battle with both hands tied behind my back this is unreasonable moreover I am requesting damages for all of the labor in the time

That I have had to use to get volunteers facilitators and others to help me during this process this has been very costly to me financially physically and emotionally and I am requesting punitive and compensatory damages in the amount of \$150,000 for both also

I have concerns about the March 2024 deadline that was agreed-upon I believe that because of my situation and because I have limited resources as well as physical challenges that I will be asking the court to extend the discovery process so that I can examine thoroughly these documents during discovery meanwhile I also need to point out that on April 16 Friday 2021 but I'm going through the interview process to be relocated to my current apartment OPC and one

of the representatives name Karen failed to give clarification about the moving process as well as addressing issues of damage

Lost or stolen items during the moving process I had several items broken lost and or stolen and no one gave me if remission so that I could clearly file a claim about the matter I understand from speaking to social workers that I'm not alone in my concern regarding items being broken lost and stolen by some of the movers working for OPC

OPC and the representatives still not clear on what their policy and procedure is for following the current filing a claim about broken lost and stolen items during the move I want these items to be replaced and I did report this to the manager from OF D M a I have not heard back from DNA steel this issue

How to file a claim about laws broken and stolen items during the moving process is unresolved and I'm still not clear about the policies and procedures OPC and its representatives never made this clear to me and others furthermore I need more clarification from you Mr. Bailey and Miss Eckhoff regarding record retention policies by both of your companies as well as who the custodian of records are at with these records can be located also I file a request for production of documents on October 11, 2022 requesting documents from DME this matter has not been addressed By DME companies and or their representatives and I'd like to know why this is very important information that needs to be handed over to me so that I can move forward with my discovery meanwhile I will be asking the court to Investigate possible destruction of records on a part of DME companies and OPC as Willis Road think you this is my assertions as well as some clarifications Mr. Ricks

Stephan Ricks Sent from my iPhone

On Jul 26, 2023, at 10:40 AM, Michael J. Bailey <[Bailey@hooverslovacek.com](mailto:Bailey@hooverslovacek.com)> wrote:

Mr. Ricks:

Attached is the Joint 26(f) Report which includes DMA and OPC's assertions.

Please include the information you would like to submit and return to me for filing.

Best,

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**From:** Michael J. Bailey <[Bailey@hooverslovacek.com](mailto:Bailey@hooverslovacek.com)>

**Sent:** Thursday, July 20, 2023 3:33 PM

**To:** Erin Eckhoff <[erin@bccastin.com](mailto:erin@bccastin.com)>; Stephen Ricks <[bigdaddy50000@gmail.com](mailto:bigdaddy50000@gmail.com)>

**Cc:** Asra Syed <[asra@bccastin.com](mailto:asra@bccastin.com)>

**Subject:** RE: Ricks v. DMA et al - Joint ADR A matter of a plane to Mr. Ricks agreed to maintain plaintiffs aforementioned position with regard to mediation and discoveryReport due Friday, July 21

**Importance:** High

Mr. Ricks:

Just a reminder that tomorrow is also the deadline to file your Notice Concerning Reference to United States Magistrate Judge. Each party files one individually so you will have to take care of that yourself.

Best,

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**From:** Erin Eckhoff <[erin@bccastin.com](mailto:erin@bccastin.com)>

**Sent:** Thursday, July 20, 2023 2:52 PM

**To:** Stephen Ricks <[bigdaddy50000@gmail.com](mailto:bigdaddy50000@gmail.com)>

**Cc:** Michael J. Bailey <[Bailey@hooverslovacek.com](mailto:Bailey@hooverslovacek.com)>; Asra Syed <[asra@bccastin.com](mailto:asra@bccastin.com)>

**Subject:** RE: Ricks v. DMA et al - Joint ADR A matter of a plane to Mr. Ricks agreed to maintain plaintiffs aforementioned position with regard to mediation and discoveryReport due Friday, July 21

Thank you, Mr. Ricks. I have also received a signature on behalf of DMA from Mr. Bailey. DMA did not make any changes to the draft, and we will file the Joint ADR Report as originally circulated.

Mr. Ricks, unless I hear otherwise from you by 5 pm today, we will presume we have your consent to electronically sign this filing on your behalf and get it filed tomorrow morning.

Best,  
Erin

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**From:** Stephen Ricks <[bigdaddy50000@gmail.com](mailto:bigdaddy50000@gmail.com)>  
**Sent:** Thursday, July 20, 2023 2:30 PM  
**To:** Erin Eckhoff <[erin@bcccaustin.com](mailto:erin@bcccaustin.com)>  
**Cc:** Michael J. Bailey <[Bailey@hooverslovacek.com](mailto:Bailey@hooverslovacek.com)>; Asra Syed <[asra@bcccaustin.com](mailto:asra@bcccaustin.com)>  
**Subject:** Re: Ricks v. DMA et al - Joint ADR A matter of a plane to Mr. Ricks agreed to maintain plaintiffs aforementioned position with regard to mediation and discoveryReport due Friday, July 21

Good afternoon all this is Mr. Ricks Bluetooth after having further discussions with regard to mediation and discovery I have agreed to my aforementioned position with regard to not pursuing mediation until discovery has been dealt with. I did discuss this with Miss Eckhoff this afternoon and I am fully satisfied with the current draft that she covered with regard to mediation I am agreeing to move forward and have this joint proposal file with the court by 21 July Friday thank you hopefully my position once again it is clear that I agree with the current draft once again thank you  
Mr. Ricks kindest regards

Stephan Ricks Sent from my iPhone

On Jul 20, 2023, at 2:01 PM, Erin Eckhoff <[erin@bcccaustin.com](mailto:erin@bcccaustin.com)> wrote:

All,

I am writing to follow up on a telephone conversation I had this afternoon with Mr. Ricks regarding the Joint ADR Report. On that call, Mr. Ricks and I reviewed the draft of his position regarding ADR, which reads as follows:

Plaintiff believes that mediation may be an appropriate method of ADR to resolve his claims, but does not believe mediation should occur until discovery has been conducted.

Mr. Ricks agreed that this reflects his current position with regard to ADR.

Mr. Ricks, please confirm by responding to this email that I am permitted to electronically sign the Joint ADR Report on your behalf for filing so long as the filed Joint ADR Report includes your position as stated above.

Best,  
Erin

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**From:** Michael J. Bailey <[Bailey@hooverslovacek.com](mailto:Bailey@hooverslovacek.com)>  
**Sent:** Thursday, July 20, 2023 12:25 PM  
**To:** Erin Eckhoff <[erin@bccAustin.com](mailto:erin@bccAustin.com)>; Stephen Ricks <[bigdaddy50000@gmail.com](mailto:bigdaddy50000@gmail.com)>  
**Cc:** Asra Syed <[asra@bccAustin.com](mailto:asra@bccAustin.com)>  
**Subject:** Re: Ricks v. DMA et al - Joint ADR Report due Friday, July 21

I am reviewing and will send you my final draft before the end of the day.

Best,

Get [Outlook for iOS](#)

**Michael J. Bailey**  
**Associate**

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# HooverSlovacek<sup>LLP</sup>

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**From:** Erin Eckhoff <[erin@bccAustin.com](mailto:erin@bccAustin.com)>  
**Sent:** Thursday, July 20, 2023 10:33:00 AM  
**To:** Michael J. Bailey <[Bailey@hooverslovacek.com](mailto:Bailey@hooverslovacek.com)>; Stephen Ricks <[bigdaddy50000@gmail.com](mailto:bigdaddy50000@gmail.com)>  
**Cc:** Asra Syed <[asra@bccAustin.com](mailto:asra@bccAustin.com)>  
**Subject:** RE: Ricks v. DMA et al - Joint ADR Report due Friday, July 21

Mr. Bailey and Mr. Ricks,

I am writing to follow up on my Tuesday email, which is below. Please provide your input on the joint ADR report, which must be filed tomorrow under the Agreed Scheduling Order, as soon as possible.

Erin

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**From:** Erin Eckhoff  
**Sent:** Tuesday, July 18, 2023 5:01 PM  
**To:** Michael J. Bailey <[Bailey@hooverslovacek.com](mailto:Bailey@hooverslovacek.com)>; Stephen Ricks <[bigdaddy50000@gmail.com](mailto:bigdaddy50000@gmail.com)>  
**Cc:** Asra Syed <[asra@bccAustin.com](mailto:asra@bccAustin.com)>  
**Subject:** Ricks v. DMA et al - Joint ADR Report due Friday, July 21

Mr. Ricks and Mr. Bailey,

Pursuant to the Agreed Scheduling Order, the parties must submit a Joint ADR Report this Friday, July 21<sup>st</sup>. I did my best to put together a draft based on the mediation discussion during the 26(f) conference. Please revise as necessary to reflect your position regarding ADR and send any revisions to all parties as soon as possible. If no revisions to your position is necessary, please respond to all parties stating so as soon as possible.

We can take care of filing this on Friday but will need the Report finalized by Thursday to do so. Once the substance of this Report is finalized, we will need all parties to clearly state that we are permitted to electronically sign the filing their behalf. Mr. Ricks, if you prefer, you may send us a PDF of the signature page with your signature on it. Again, we need this sign-off by Thursday to ensure timely filing on Friday.

Please let me know if you have any questions.

Best,  
Erin

Erin M. Eckhoff



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